

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**3M INNOVATIVE PROPERTIES
COMPANY and 3M COMPANY,**

Civil Action No. 10-00215-ADM

Plaintiffs,

vs.

GOJO INDUSTRIES, INC.,

Defendant.

AFFIDAVIT OF MARK S. LERNER

STATE OF OHIO)
) ss.
COUNTY OF SUMMIT)

1. I am Mark S. Lerner. My title is President and COO of GOJO Industries, Inc.
2. I have personal knowledge of the facts stated herein.
3. I am authorized by GOJO to state the following on its behalf.
4. The labels on the samples enclosed with the February 5, 2010 letter from Patricia Anne Smith, GOJO's Associate Legal Counsel, to David J.F. Gross, Esq., list all ingredients in GOJO's formulas 9800-504 and 9800-505, which are the formulas for two non-aerosol Purell® Instant Hand Sanitizer foam products ("PIHS") made or sold by or for GOJO since January 26, 2010. True and correct copies of those labels are attached as Exhibit A. Attached as Exhibit B is a label for Purell® Instant Hand Sanitizer Skin Nourishing Foam non-aerosol foam product (PIHSSNF), which lists all ingredients in

GOJO formula 9870-522 for PIHSSNF which has been made and sold by or for GOJO since January 26, 2010. No other PIHS or PIHSSNF has been made or sold by or for GOJO since January 26, 2010.

5. Specifically, all PIHS products made or sold by or for GOJO since January 26, 2010 include only the following, and no other, ingredients: Ethyl Alcohol, Water (Aqua), Isopropyl Alcohol, PEG-10 Dimethicone, Glycerin, Isopropyl Myristate, PEG-8 Dimethicone, PEG-8 Ricinoleate, Propylene Glycol, and Tocopheryl Acetate. The PIHSSNF product made or sold by or for GOJO since January 26, 2010 includes only the following, and no other ingredients: Ethyl Alcohol, Water (Aqua), Isopropyl Alcohol, Glycerin, PEG-10 Dimethicone, Hydroxyethyl Urea, Isopropyl Myristate, PEG-12 Dimethicone, Propylene Glycol, and Tocopheryl Acetate.

6. All PIHS and PIHSSNF made or sold by or for GOJO since January 26, 2010 contain no amount of polyquaternium-11.


7. All PIHS and PIHSSNF made or sold by or for GOJO since January 26, 2010 contain no amount of poly(ethylene oxide) having a molecular weight in the range from about 1,000,000 to 10,000,000, ethyl cellulose, hydroxyethyl cellulose, hydroxypropyl cellulose, cetyl hydroxyethyl cellulose, ethylhydroxy ethyl cellulose, hydroxypropyl guar, polyglycerol, polyoxamer having a molecular weight of at least 100,000, polyoxamine, polyacrylamide, polyethylene glycol esters and ethers with alkyl alcohols or acid functional alkyls, polyacrylamidomethylpropane sulfonic acid, polyacrylic acid, polyethylene/isopropyl maleate/maleic acid copolyol, polymethacrylamidopropyltrimonium chloride, polymethacrylamidopropyltrimonium

methosulfate, polymethacrylic acid, polyquaternium-1 to polyquaternium-9, polyquaternium-11 to polyquaternium-47, polyvinyl methyl ether, butylated polyvinyl pyrrolidone, or polyvinyl pyrrolidone, crosslinked and non-crosslinked homopolymer or crosslinked and non-crosslinked copolymer containing n-vinyl lactam monomeric units.

8. Moreover, all PIHS and PIHSSNF made or sold by or for GOJO since January 26, 2010 contain no amount of any foam builder, as described or claimed in U.S. Patent No. 7,651,990.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 4, 2010 in Akron, Ohio.


Mark S. Lerner

Subscribed and sworn to before me
this 4 day of March, 2010.


Notary Public

Patricia Smith, Attorney at Law
Resident Summit County
Notary Public, State of Ohio
My Commission Has No Expiration Date
Sec 147.03 RC

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